

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNIFER ECKHART,

Plaintiff,

v.

FOX NEWS NETWORK, LLC and ED HENRY,
in his individual and professional capacities,

Defendants.

Case No. 20-CV-5593 (RA) (GWG)

RULE 5.1 NOTICE OF CONSTITUTIONAL QUESTION

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 5.1(a)(1)(B), Defendant Ed Henry, by and through his undersigned counsel, respectfully files this Rule 5.1 Notice of Constitutional Question with the Court. The Thirteenth Affirmative Defense in Mr. Henry's Answer to Plaintiff's Fourth Amended Complaint (the "Answer"), ECF No. 234, draws into question the constitutionality of the Adult Survivors Act, N.Y. C.P.L.R. § 214-j (the "ASA"). The specific constitutional question raised in the Answer is whether the ASA, on its face and as applied to the facts of this action, is an unconstitutional violation of, including but not limited to, the Due Process Clause of the New York State Constitution, NY Const, art I, § 6.

Pursuant to Federal Rule of Civil Procedure 5.1(a)(2), by a certified letter dated January 20, 2023, Mr. Henry's counsel notified the Office of the New York State Attorney General that the Answer draws into question the constitutionality of the ASA and provided copies of the Plaintiff's Fourth Amended Complaint and the Answer.

A true and correct copy of the notice sent to the Office of the New York State Attorney General is attached hereto as Exhibit 1.

Dated: New York, New York
January 20, 2023

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By: /s/ Elkan Abramowitz
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed electronically on the 20th day of January 2023. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for all parties. Parties and their counsel may access this filing through the Court's system.

By: /s/ Elkan Abramowitz
Elkan Abramowitz